FORM PTO-1083 MAIL STOP: Amendment COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Docket No.: 206.1002US

Date: April 12, 2005

BEST AVAILABLE COPY

In re application of: Emil CIÚRCZAK, et al.

Serial No.: 10/766,640 January 27, 2004 Filed:

For:

WIRELESS BLOOD GLUCOSE MONITORING SYSTEM

Sir:

Transmitted herewith is an INFORMATION DISCLOSURE STATEMENT in the above-identified application.

- [] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- [] A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- [X] No fee for additional claims is required.
- ∏ A filing fee for additional claims calculated as shown below, is required:

	(Col. 1)	(Col. 2)	SMA	LL ENTITY	.	LARGE	ENTITY
FOR:	REMAINING	HIGHEST	RA'	re fee	<u>OR</u>	RATE	FEE
	AFTER	PREVIOUSL	Y PRESENT	L			
	AMENDMENT	PAID FOR	EXTRA	L			
TOTAL CLAIMS	Minus	20 =	<u> x \$</u>	9 \$	⊥ .	x \$ 18	\$.00
INDEP. CLAIMS	Minus	3 =	x \$	39 \$	⊥ .	x \$ 78	\$.00
[] FIRST PRES	SENTATION OF	MULTIPLE	DEP. CLAIN	130 \$	⊥ _	+ \$260	\$.00
			,	TOTAL: \$	· <u>(</u>	OR TOTA	L: \$.00

- If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
- [X] Also transmitted herewith are:
 - [] Petition for extension under 37 C.F.R. 1.136
 - [X] Other:- Form PTO-1449 with attached references
- Check(s) in the amounts of \$00.00 is attached to cover: П
 - [] Filing fee for additional claims under 37 C.F.R. 1.16
 - [] Petition fee for extension under 37 C.F.R. 1.136
 - [] Other:
- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this [X] communication or credit any overpayment to Deposit Account No. 50-0552.
 - Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by [X] check submitted herewith.
 - Any patent application processing fees under 37 C.F.R. 1.17. [X]
 - Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, [X] and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

Cary S. Kappel, Esq., Reg. No. 36,561 DAVIDSON, DAVIDSON & KAPPEL, LLC 485 Seventh Avenue, 14th Floor New York, New York 10018 (212) 736-1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service with sufficient postage as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on April 12, 2005

DAVIDSON, DAVIDSON & KAPPEL, LLC

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UNITED STATES PATENT & TRADEMARK OFFICE

Re:

Application of:

Emil CIURCZAK, et al.

Serial No.:

10/766,640

Filed:

January 27, 2004

For:

WIRELESS BLOOD GLUCOSE MONITORING

SYSTEM

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Mail Stop: Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

April 12, 2005

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (8 sheets) for consideration by the Examiner in connection with the examination of the above-identified patent application.

Pursuant to 37 C.F.R. § 1.98 (a), the foreign patent documents and non-patent references listed on sheets 1-8 of the attached Form PTO-1449 are enclosed. If it is determined that any of the listed references are not presently enclosed, the Examiner is requested to contact the undersigned so that a copy can be forwarded.

Applicants also respectfully advise the Examiner of the following U.S. Patents which are commonly assigned to the owners of the instant application:

U.S. Application Serial No. 09/636,041, entitled "Automated System and Method For Spectroscopic Analysis", filed August 10, 2000, now U.S. Patent No. 6,549,861, issued April 15, 2003, listed as reference "FA 2" on the attached Form PTO-1449; and

U.S. Application Serial No. 09/932,185, entitled "Near Infrared Blood Glucose Monitoring System", filed August 17, 2001, now U.S. Patent No. 6,675,030, issued January 6, 2004, listed as reference "FB" on the attached Form PTO-1449.

It is respectfully requested that the references cited in the accompanying Form PTO-1449 (8 sheets) be considered and made of record.

This Information Disclosure Statement is filed under 37 C.F.R. § 1.97 (b), before the mailing of a first Office Action on the merits. Accordingly, no fee is believed due. In the event any fee is due in connection with the filing of this Information Disclosure Statement, the Commissioner is hereby authorized to charge said deficiency to our Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVISSON & KAPPEL, LLC

 $By_{\underline{}}$

Cary S. Kappel/ Reg. No. 36,561

Davidson, Davidson & Kappel, LLC 485 Seventh Avenue, 14th Floor New York, New York 10018 (212) 736-1940

FORM PTO-1449	
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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.: 206.1002US

SERIAL NO.: 10/766,640

LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT(S): Emil W. Ciurczak, et al.

FILING DATE: January 27, 2004 GROUP: 3736

in sent				-						January 21, 2004		!	
NA TRAUPAGE	.	,						U.	S. PATENT DOC	CUMENTS			
*EXAMINER INITIAL		DOCUMENT NUMBER								NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4	7_	6	6_	5	5	1	8/23/1988	Begley	364	498	
	AB	4	9	0	1	7	2	8	2/20/1990	Hutchison	128	633	
	AC	4	9	7	5	5	8	1	12/4/1990	Robinson et al.	250	339	
	AD	5	0	0	9	2	3	0	4/23/1991	Hutchison	128	633	
	AE	5	0	2	8	7	8	7	7/2/1991	Rosenthal et al.	250	341	
	AF	5	0	6	8	5	3	6	11/26/1991	Rosenthal	250	341	
	AG	5	0	7	0	8	7	4	12/10/1991	Barnes et al.	128	633	
	AH	5	0	7	7	4	7	6	12/31/1991	Rosenthal	250	341	
	Al	5	0	8	6	2	2	9	2/4/1992	Rosenthal et al.	250	341	
	AJ	5	1	1	9	8	1	9	6/9/1992	Thomas	128	660.02	
	AK	5	1	2	1	3	3	8	6/9/1992	Lodder	364	498	
·	AL	5	1	3	7	0	2	3	8/11/1992	Mendelson et al.	128	633	
	AM	5	1	3	9	0	2	3	8/18/1992	Stanley et al.	128	637	
	AN	5	1	4	0	9	8	5	7/25/1992	Schroeder et al.	128	632	
	AO	5	2	0	4	5	3	2	4/20/1993	Rosenthal	250	341	
	AP	5	2	0	6	7	0	1	4/27/1993	Taylor et al.	356	325	
	AQ	5	2	2	3	7	1	4	6/29/1993	Maggard	250	343	
	AR	5	2	2	3	7	1	5	6/29/1993	Taylor	250	343	
	AS	5	2	4	3	5	4	6	9/7/1993	Maggard	364	571.02	
	AT	5	2	4	2	6	0	2	9/7/1993	Richardson et al.	210	745	
	AU	5_	2	5	2	8	2	9	10/12/1993	Nygaard et al.	250	339	
	AV	5	2	5	8	8	2	5	11/2/1993	Reed et al.	356	402	
	AW	5	2	6	7	1	5	1	11/30/1993	Ham et al.	364	413.09	
	AX	5	2	6	7	1	5	2	11/30/1993	Yang et al.	364	413.09	
	AY	5	2	9	9	1	3	8	3/29/1994	Fiori et al.	364	498	
	AZ	5	3	0	7	2	6	3	4/26/1994	Brown	364	413.09	
EXAMINER										DATE CONSIDERED			

FORM PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.: 206.1002US

SERIAL NO.: 10/766,640

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								U.	S. PATENT DO	CUMENTS			
*EXAMINER INITIAL		DOCU	MENT	NUMBE	R				DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	BA	5	3	1	3	9	4	1	5/24/1994	Braig et al.	128	633	
	BB	5	3	4	3	0	4	4	8/30/1994	Sjaunja et al.	250	339.09	
	ВС	5	3	4	8	0	0	2	9/20/1994	Caro	128	633	
	BD	5	3	4	8	0	0	3	9/20/1994	Caro	128	633	
	BE	5	3	4	9	1	8	8	9/20/1994	Maggard	250	339	
	BF	5	3	4	9	1	8	9	9/20/1994	Maggard	250	339.07	
	BG	5	3	6	0	9	7	2	11/1/1994	DiFoggio et al.	250	339.12	
	вн	5	3	6	1	7	5	8	11/8/1994	Hall et al.	128	633	
	ВІ	5	3	6	2	3	0	7	11/8/1994	Guy et al.	604	20	
	BJ	5	3	7	0	1	1	4	12/6/1994	Wong et al.	128	633	
	BK	5	3	7	9	2	3	8	1/3/1995	Stark	364	578	
	BL	5	3	7	9	7	6	4	1/10/1995	Barnes et al.	128	633	
	вм	5	3	8	3	4	5	-2	1/24/1995	Buchert	128	633	
	BN	5	4	3	3	1	9	7	7/18/1995	Stark	128	633	
	во	5	4	3	5	3	0	9	7/25/1995	Thomas et al.	128	633	
	BP	5	4	4	6	6	8	1	8/29/1995	Gethner et al.	364	554	
	BQ	5	4	5	6	2	5	2	10/10/1995	Vari et al.	128	633	
	BR	5	4	5	9	3	1	7	10/17/1995	Small et al.	250	341.1	
	BS	5	4	5	9	6	7	7	10/17/1995	Kowalski et al.	364	571.02	
	ВТ	5	4	8	1	4	7	6	1/2/1996	Windig	364	498	
	BU	5	4	9	8	8	7	5	3/12/1996	Obremski et al.	250	458.1	
	BV	5	5	1	2	7	5	1	4/30/1996	Murray, Jr. et al.	250	339.09	
	BW	5	5	1	5	8	4	7	5/14/1996	Braig et al.	128	633	
	вх	5	5	5	1	4	2	2	9/3/1996	Simonsen et al.	128	633	
	BY	5	5	6	8	4	0	0	10/22/1996	Stark et al.	364	498	
	BZ	5	5	7	6	5	4	4	11/19/1996	Rosenthal	250	341.1	

EXAMINER

DATE CONSIDERED

Sheet 3 of 8 ATTY. DOCKET NO.: SERIAL NO .: FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE 206.1002US 10/766,640 (REV. 7-80) LIST OF PRIOR ART CITED BY APPLICANT APPLICANT(S): Emil W. Ciurczak, et al. (Use several sheets if necessary) FILING DATE: **GROUP: 3736** January 27, 2004 U.S. PATENT DOCUMENTS DOCUMENT NUMBER DATE NAME CLASS SUBCLASS FILING DATE *EXAMINER IF APPROPRIATE INITIAL CA 12/10/1996 Samuels et al. СВ 2/11/1997 Ashe et al. CC 2/25/1997 339.09 Price et al. CD 3/11/1997 Alsmeyer et al. CE 4/1/1997 Braig et al. CF 6/17/1997 Kiani-Azarbayjany et al. CG 6/24/1997 Perry et al. 339.09 CH 8/12/1997 Messerschmidt CI 8/19/1997 Rosencwaig CJ 9/16/1997 Buchert CK 9/16/1997 Robbat, Jr. et al. 339.12 CL 9/16/1997 DiFoggio et al. 339.12 9/30/1997 CM Block et al. CN 10/14/1997 Simonsen et al. CO 10/21/1997 Helmer et al. CP 10/21/1997 Helmer et al. CQ 12/2/1997 Essenpreis et al. CR 1/6/1998 Osten et al. CS 1/20/1998 Essenpreis et al. СТ 1/27/1998 Welch et al. 339.12 CU 1/27/1998 Descales et al. 3/24/1998 C۷ Guy et al. CW 4/14/1998 Bages et al. CX 4/28/1998 Lepper, Jr. et al 5/5/1998 339.12 CY Khalil et al.

EXAMINER

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DATE CONSIDERED

Schlager

339.11

5/12/1998

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

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	DA	5	7	5	2	5	1	2	5/19/1998	Gozani	128	635	
	DB	5	7	7	1	8	9	1	7/30/1998	Gozani	128	635	
	DC	5	7	8	2	7	5	5	7/21/1998	Chance et al.	600	322	
	DD	5	8	4	0	0	2	0	11/24/1998	Heinonen et al.	600	365	
	DE	5	7	7	2	5	8	6	06/30/1998	Heinonen et al.	600	300	
	DF	5	7	8	8	6	3	2	8/4/1998	Pezzaniti et al.	600	316	
	DG	5	7	9	8	5	2	6	8/25/1998	Shenk et al.	250	339.09	
	DH	5	8	2	2	2	1	9	10/13/1998	Chen et al.	364	498	
	DI	5	8	2	3	9	5	1	10/20/1998	Messerschmidt	600	322	
	DJ	5	8	2	3	9	6	6	10/20/1998	Buchert	600	473	
	DK	5	8	3	0	1	3	2	11/3/1998	Robinson	600	310	
	DL	5	8	4	1	5	2	3	11/24/1998	Degen et al.	356	72	
	DM	5	8	5	7	4	6	2	1/12/1999	Thomas et al.	128	633	
	DN	5	8	9	0	4	8	9	4/6/1999	Elden	128	898	
	DO	5	8	9	6	1	9	8	4/20/1999	Chou et al.	356	349	
	DP	5	9	0	0	6	3	4	5/4/1999	Soloman	250	339.11	
	DQ	5	9	1	0	1	0	9	6/8/1999	Peters et al.	600	316	
	DR	5	9	3	3	7	9	2	8/3/1999	Andersen et al.	702	32	
	DS	5	9	3	5	0	6	2	8/10/1999	Messerchmidt et al.	600	322	
	DT	5	9	4	5	6	7	6	8/31/1999	Khalil et al.	250	339.12	
	DU	5	9	4	6	1	2	8	8/31/1999	Paek	359	305	
	DV	5	9	4	6	6	4	0	8/31/1999	Goodacre et al.	702	87	
	DW	5	9	6	8	7	6	0	10/19/1999	Phillips et al.	435	14	
	DX	5	9	8	5	1	2	0	11/16/1999	Cholli et al.	204	452	
	DY	6	0	0	6	1	1	9	12/21/1999	Soller et al.	600	322	
	DZ	6	0	1	2	0	1	9	1/4/2000	Saby	702	32	

EXAMINER

DATE CONSIDERED

FORM PTO-1449 (REV. 7-80)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

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										January 27, 2004			
								U.	S. PATENT DOC	CUMENTS			
*EXAMINER INITIAL		DOC	UMEN	T NUME	BER				DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	EA	6	0	1	4	5	7	7	1/11/2000	Henning et al.	600	345	
	EB	6	0	2	6	3	1	4	2/15/2000	Amerov et al.	600	322	
	EC	6	0	4	0	5	7	8	3/21/2000	Malin et al.	250	339.12	
	ED	5	8	3	0	1	3	3	11/03/1998	Osten et al.	600	322	
,	EE	6	0	4	9	0	8	2	4/11/2000	Methfessel	250	339.09	
	EF	6	0	6	1	5	8	2	5/9/2000	Small et al.	600	316	
	EG	6	0	6	4	0	6	5	5/16/2000	Block et al.	250	341.3	
	EH	6	0	6	4	8	9	7	5/16/2000	Lindberg et al.	600	316	
	El	6	0	6	6	8	4	7	5/23/2000	Rosenthal	250	252.1	
	EJ	6	0	6	7	4	6	3	5/23/2000	Jeng et al.	600	336	
	EK	6	0	7	0	1	2	8	5/30/2000	Descales et al.	702	30	
	EL	6	0	8	7	1	8	2	7/11/2000	Jeng et al.	436	66	
	EM	6	0	8	7	6	6	2	7/11/2000	Wilt et al.	250	339.12	
	EN	6	0	9	1	8	4	3	7/18/2000	Horesh et al.	382	133	
	EO	6	1	1	0	5	2	2	8/29/2000	Lepper, Jr. et al	427	2.11	
	EP	6	1	1	4	6	9	9	9/5/2000	Barton et al.	250	339.09	
	EQ	6	1	1	5	6	7	3	9/5/2000	Malin et al.	702	23	
	ER	6	1	2	4	1	3	4	9/26/2000	Stark	436	63	
	ES	6	1	3	7	1	0	8	10/24/2000	DeThomas et al.	250	339.07	
	ET	6	1	5	1	5	1	7	11/21/2000	Honigs et al.	600	322	
	EU	6	1	5	7	0	4	1	12/5/2000	Thomas et al.	250	573	
	EV	6	1	5	9	2	5	5	12/12/2000	Perkins	44	300	
	EW	6	1	6	1	0	2	8	12/12/2000	Braig et al.	600	316	
	EX	6	1	8	1	9	5	7	1/30/2001	Lambert et al.	600	319	
	EY	6	2	1	9	5	6	5	4/17/2001	Cupp et al.	600	310	
	EZ	6	2	3	6	0	4	7	5/22/2001	Malin et al.	250	339.12	
	FA 1	6	3	0	9	8	8	4	10/30/2001	Cooper et al.	436	14	
	FA 2	6	5	4	9	8	6	1	04/15/03	Mark et al.	702	076	
	FB	6	6	7	5	0	3	0	01/06/2004	Ciurczak et al.	600	316	
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EXAMINER

DATE CONSIDERED

FORM PTO-1449 (REV. 7-80)									COMMERCE MARK OFFICE			SERIAL NO.: 10/766,640		
		OF PI				BY A	PPLIC	ANT		APPLICANT(S): Emil W. Ciurczak, et al.				
	(Use	several s	neets i	rnecess	sary)					FILING DATE: January 27, 2004		GROUP: 3736		
								FORE	OCUMENTS					
*EXAMINER INITIAL		DOCU	MENT	NUMBE	≣R				DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
	FC	0	1	6	0	7	6	8	11/13/1985	EPO	A 61	B 5/00		
	FD .	0	2	3	6	0	2	3	9/9/1987	EPO	G01N	33/66		
	FE.	0	3	8	2	9	0	8	8/22/1990	EPO	G01 N	21/35		
	FF ,	0	4	6	1	2	0	7	2/14/1996	EPO	A61B	5/00		
	FG	0	5	7	7	6	8	4	5/14/1997	EPO	G01N	21/31		
	FH ,	0	6	3	7	2	1	7	3/11/1998	EPO	A61B	5/00		
	FI	0	6	8	0	7	2	7	11/8/1995	EPO	A61B	5/00		
	FJ ·	9	5	0	5	5	9	9	2/23/1995	wo	G01N	33/50		
	FK	9	7	0	2	7	8	1	1/30/1997	wo	A61B	5/00		
	FL ·	9	7	2	5	9	1	5	7/24/1997	wo	A61B	5/00		
	FM	9	7	3	0	6	2	9	8/28/1997	wo	A61B	5/00		
	FN '	9	7	4	3	9	4	7	11/27/1997	wo	A61B	5/00		
	FO	9	8_	3	7	8	0	5	9/3/1998	wo	A61B	5/00		
	FP ,	9	8	5	2	4	6	9	11/26/1998	wo	A61B	6/00		
	FQ	9	9	2	2	6	3	9	5/14/1999	wo	A61B	5/00		
	FR	9	9	3	9	6	3	1	2/5/1999	wo	A61B	5/00		
	FS	9	9	5	1	1_1_	4	2	10/14/1999	wo	A61B	5/00		
									OTHER PRIO	R ART				
	FT		gton, P 2-807(mperati	ure-Cor	nstraine	d Back	propagation Neu	ral Networks," Analytical C	hemistry,	Vol. 66, No. 6,		
	FU ,								nd Differentiation '-1640 (1964).	of Data by Simplified Least S	iquares Prod	edures,"		
	FV	Osboi 2 nd E	me, B.C	G., Fear ngman	n, T. an Scier	d Hindl	e, P.H.; nd Te	"Praction	cal NIR Spectros	copy, With Applications in Fo	od and Beve	erage Analysis,"		
	FW .	T								d Regression Analysis,	3 rd Ed, pp.	299-324 (1998)		
	FX								uate Sample Pre -795 (March 1, 1	paration Methods for Near-Inf 987)	rared Reflec	tance Analysis,"		
	FY .	Mark,		rmalize						ectance Analysis," <i>Analytica</i>	al Chemist	<i>try,</i> Vol. 58, No. 2		
	FZ	Mark,	H. and	Tunnel	I, D.; "C 7, No. 7	tualitati , pp. 14	ve Near	-Infrare 6 (June	d Reflectance A	nalysis Using Mahalanobis Di	stances," A	nalytical		
EXAMINER			- 10 - - 11 - 11 - 11		,					DATE CONSIDERED				
*EXAMINER: Initial conformance and	al if refer	ence cor	nsidered Include	d, wheth	ner or no	ot citation	on is in next co	conform	nance with MPEI	609; Draw line through citat	ion if not in			

FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.: 206.1002US	SERIAL NO.: 10/766,640			
	LIST	OF PRIOR ART CITED BY APPLICANT	APPLICANT(S): Emil W. Ciurczak, et al.				
•	(Use se	everal sheets if necessary)	FILING DATE: January 27, 2004	GROUP: 3736			
		OTHER PRIOR ART (Including Author, Ti	itle, Date, Pertinent Pages, Etc.)				
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